



Patent
Attorney's Docket No. 004501-550

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Klaus BOHNERT et al.)	
Application No.: 09/868,188)	Group Art Unit: 2878
Filed: June 15, 2001)	Examiner: K. Pyo
For: FIBRE BRAGG-GRATING SENSOR)	Confirmation No.: 6977
)	
)	

DECLARATION PURSUANT TO 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Now come Klaus Bohnert and Hubert Brändle, who depose and state:

(1) We are citizens of Switzerland (Brändle) and Germany (Bohnert) and both resident in Switzerland.

(2) We are the inventors of the invention disclosed and claimed in the United States Patent Application No. 09/868,188, filed under 35 U.S.C. § 371 on June 15, 2001, entitled "FIBRE BRAGG-GRATING SENSOR."

(3) We have reviewed US Patent No. 6,490,931 by Fernald et al., which is cited in the USPTO office communication dated April 1, 2003 in the above-named United States Patent Application No. 09/868,188.

(4) We hereby declare that we made the invention disclosed and claimed in the above-mentioned United States Patent Application No. 09/868,188 prior to December 4, 1998.

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(5) Further, we hereby declare that our Invention Disclosure (see (7) and (8) below) prepared prior to December 4, 1998 is of sufficient detail to enable one of ordinary skill in the art to practice our invention and that we were diligent from a period before December 4, 1998 to the actual filing date December 28, 1998 in that we were exchanging and reviewing drafts of the patent application with our patent attorneys from prior to December 4, 1998 to the actual filing date.

(6) At the time the invention was made we were both employed as scientists (project leader and group leader, respectively) by ABB Corporate Research Ltd (today: ABB Schweiz AG), working in the ABB Corporate Research Center in Baden / Dättwil, Switzerland.

(7) When an invention is made at the ABB Corporate Research Center, the inventor(s) compose(s) an "Invention Disclosure", which describes the invention. That Invention Disclosure is supplied with a cover sheet, which is filled out and signed by the inventors and then forwarded to the head of the department and to the head of the Corporate Research Center, who both also date and sign the cover sheet. Then the Invention Disclosure, supplied with the completed cover sheet, is sent to the local ABB Patent Department (Intellectual Property / TEI). The Patent Department through an internal letter ("interne Post") acknowledges the receipt of the Invention Disclosure.

(8) Exhibit 1 is the invention disclosure we drafted for our above-mentioned invention before December 4, 1998. It is written in English and comprises 10 pages of text and 11 pages of figures with 11 figures. At least the invention as claimed in Claim 1 of the above-cited US Patent Application No. 09/868,188 is disclosed in the Invention Disclosure, e.g., on page 2 of the paragraph headed "Summary of the invention" and in Fig. 1. Exhibit 2 is the cover sheet belonging to that invention disclosure. Exhibit 3 is the acknowledgement of receipt by the Patent Department ("interne Post").

(9) The Patent Department forwarded the Invention Disclosure together with an accompanying letter, which is shown in Exhibit 4, to an external Patent Law Firm (E. Blum

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& Co, Zürich, Switzerland) for drafting a priority patent application. The Patent Law Firm produced a draft in German, which was forwarded with an accompanying letter (Exhibit 5) to the Patent Department and then to us, the inventors. Discussions between us and the external Patent Attorney finally lead to a corrected, final version of the priority patent application, which was then sent to the Patent Department with another accompanying letter (Exhibit 6).

(8) After review of the final version of the priority patent application, the Patent Department prepared the filing of the priority patent application and filed the priority application in Germany, obtaining the application date of December 28, 1998 and the docket number (DE) 198 60 409.2.

(9) On December 16, 1999, a subsequent filing claiming the priority of the above-cited German application (DE) 198 60 409.2 was filed as a PCT application. The PCT application was assigned the International application number PCT/CH99/00608 and the International publication number WO 00/39553.

(10) On June 15, 2001, the PCT application was nationalized in the US as the above-mentioned United States Patent Application No. 09/868,188.

(11) The undersigned declare further that all statements made herein of their own knowledge are true and the all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE: July 18, 2003

Klaus Bohnert
Klaus Bohnert

DATE: July 18, 2003

Hubert Brändle
Hubert Brändle